

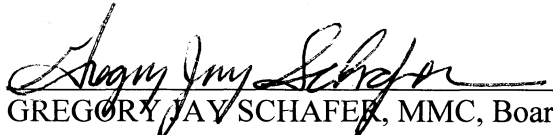
good job for the school district. President Bunker proposed that we send out the Request for Proposal for a Construction Manager / General Contractor and go forward from there. Board Members agreed with sending out the Request for Proposal.

Board Member Robert Banks MOVED to adjourn the Local Building Authority of Delta City meeting and reconvene City Council meeting. The motion was SECONDED by Board Member Tom Stephenson. President Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed with Board Members Robert Banks, John Niles, and Tom Stephenson voting in favor and Board Members Steven Pratt and Betty Jo Western being absent.

President Bunker declared the meeting adjourned at 7:20 p.m.



GAYLE BUNKER, President



GREGORY JAY SCHAFFER, MMC, Board Secretary

MINUTES APPROVED: LBA 09-06-12

CITY OF DELTA, UTAH
REGULAR CITY COUNCIL MEETING
AUGUST 16, 2012

PRESENT

Gayle Bunker
Robert Banks
John Niles
Steven Pratt
Tom Stephenson
Betty Jo Western

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

ABSENT

None

ALSO PRESENT

Alan Riding
Gregory Jay Schafer
Ken Clark
Todd Anderson
Tom Herbert
Van Beckstrom
Terry Lisonbee
Rett Riding
Reygan Riding
Dallin Tolman
Aldair Moran

Public Works Director
City Recorder
Assistant Public Works Director
City Attorney
Delta Pilots Club
Boy Scout Leader
Boy Scout Leader
Boy Scout
Boy Scout
Boy Scout
Boy Scout

Mayor Bunker called the meeting to order at 7:00 p.m. He stated that notice of the time, place and agenda of the meeting had been posted at the City Building and on the Utah Public Notice website and provided to the Millard County Chronicle/Progress and to each member of the City Council at least two days prior to the meeting.

Council Member Robert Banks provided opening remarks, following which Mayor Bunker led those in attendance in the Pledge of Allegiance.

MINUTES

The minutes of a Regular City Council meeting held August 2, 2012 were presented for consideration and approval. Following review, Council Member Tom Stephenson MOVED to adopt the minutes of the Regular City Council meeting held August 2, 2012, with the correction of the

spelling of "pilots" on page 2. The motion was SECONDED by Council Member John Niles. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed with Council Members Robert Banks, John Niles, Steven Pratt, Tom Stephenson and Betty Jo Western voting in favor.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a copy of which had been provided to them at least two days prior to the meeting. Following review, Council Member Betty Jo Western MOVED to approve the accounts payable, dated August 16, 2012, in the amount of \$99,561.33. The motion was SECONDED by Council Member Steven Pratt. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed with Council Members Robert Banks, John Niles, Steven Pratt, Tom Stephenson and Betty Jo Western voting in favor.

PUBLIC COMMENT PERIOD

There were no comments from the public.

NEW BUSINESS

TOM HERBERT, DELTA PILOTS CLUB: DELTA MUNICIPAL AIRPORT UPGRADES

Tom Herbert, of Delta Pilots Club, expressed appreciation from the club for improvements made at Delta Municipal Airport. Mr. Herbert stated they had held a Fly-In earlier this year and heard many positive comments from pilots who flew into the airport. The pilots noticed and appreciated the improvements. Delta Pilots Club wanted to make certain the Mayor and Council knew they were grateful for the work that has been done.

Mr. Herbert advised Council Members that he had moved to Delta a couple of years ago and had been a member of the airport board at his previous location. He noted that Delta Municipal Airport is a great asset and suggested Delta City could increase revenue with additional hangars at the airport. Mr. Herbert provided information for Council Members regarding policies from other small airports in Utah. Delta Pilots Club took the information gathered and drafted suggested policies for Delta Municipal Airport to be considered by Council Members. Under the most successful policies, people are allowed to construct a hangar at their expense, lease the property from the airport, and they are allowed to own and maintain the hangar, sell it to someone else, or lease to another person, but it must be maintained for aircraft storage. The airport in Parowan has used this policy for the last twenty years and has experienced tremendous growth in the number of hangars at the airport.

Council Member Betty Jo Western asked how much space we have available at Delta Municipal Airport for hangars and what is the size of most hangars. Council Member Western was advised that

we have space for approximately 300 hangars and most single airplane hangars are about thirty feet by forty feet, but fifty feet by fifty feet is also very common. Council Member Western asked if most hangars are constructed of metal. Mr. Herbert stated that hangar construction varies but they all must meet current uniform building standards for hangars. Most hangars are of metal or masonry construction.

Mayor Bunker felt that Council Members should think about this suggested policy and consider changing our policy. Mayor Bunker reported that the Boy Scout who plans to paint a compass on the asphalt at the airport has met with Ken Clark about the project and purchase of paint for the project has been approved. Mayor Bunker felt that the compass project will be a great asset to the airport. Mr. Herbert reported that members of the Delta Pilots Club are planning to assist with the compass project. Council Member Steven Pratt expressed appreciation to Mr. Herbert for the work he has done to obtain information on policies from other airports and put together a suggested policy for Delta Municipal Airport.

MAYOR GAYLE BUNKER: DELTA HIGH SCHOOL PARKING CONCERNS

Mayor Bunker reported that he has talked with the Millard School District Superintendent and Delta High School Principal regarding concern over parking at the high school during upcoming football games with the parking area in front of the Palladium being fenced off for construction. It was proposed that, during football games and other athletic events, we allow vehicles to park diagonally in two rows in the middle of Center Street. Center Street is at least thirty-three feet wider than other residential streets. We would also allow diagonal parking on the east side of the football field but no diagonal parking along 450 North Street would be allowed. We would also allow diagonal parking on the north side of 300 North Street between 100 East and Center Street. It is hoped this will allow adequate parking for football games. Mayor Bunker requested approval of Council Members for this parking plan so that the school district can publish the notice in the local newspaper. The parking plan would be in effect during both this school year and the next. Mayor Bunker suggested we try this plan for the upcoming home football game, then evaluate whether or not it worked and, if not, we will make changes. Council Members agreed that we would see how the plan works for the upcoming game.

MAYOR GAYLE BUNKER: ORDINANCE NO. 12-254 ADOPTING REVISED DELTA CITY ZONING ORDINANCE

Mayor Bunker introduced the following ordinance:

ORDINANCE NO. 12-254

AN ORDINANCE AMENDING TITLE 12, PLANNING AND ZONING, OF THE REVISED ORDINANCES OF DELTA CITY (1981 EDITION) BY REPLACING THE TITLE IN ITS ENTIRETY

Mayor Bunker noted that we have been discussing this ordinance for over a year and asked City Attorney Anderson to highlight the changes made since the last review. Residential zones are the same as before except that they do not allow modular homes. The other changes include re-naming the Land Use Authority to Code Enforcement Officer so he can enforce planning & zoning code or parking ordinances; and included incorporation of the International Building Code. Those were the big changes as a result of the most recent review of the proposed ordinance. There were some number, grammatical and formatting changes but that is about all the changes, with the exception of those previously mentioned. City Attorney Anderson stated that there are still some blank areas in the ordinance where we need to fill in the date of the most recent international fire and building codes so we will need to pass an amendment as soon as we get those dates. There will also be things come up where we realize we need to include some items that did not get transferred from the old ordinance. There will be amendments but, at least the ordinance will be adopted and in place.

Mayor Bunker said he felt that, if we review the ordinance again, it will take another six months or more. It is inevitable there will be amendments made as we come to different situations. Council Member Western felt that we had reviewed the proposed ordinance but was concerned that there were still questions that have not been answered. Council Member Western suggested that Council Members be allowed additional time to read the ordinance, as written, prior to adoption. Public Works Director Alan Riding responded that this ordinance has been in the review stage for five years. Planning & Zoning Commissioners spent three years reading and revising prior to the proposed ordinance being given to the Council for review. The Council has been reviewing the proposed ordinance now for nearly two years and we need to recognize that this is a "living" document in that it is subject to amendments any time we find problems or different situations come up. As the Code Enforcement Officer, Mr. Riding stated it would be nice to have the ordinance adopted so we are able to enforce the zoning ordinance rather than being required to abide by the existing ordinance when we know these changes are coming at some point. City Attorney Anderson reiterated that he knows there are things that will need to be amended but he felt we need to adopt the ordinance and Council Members still need to review the language. If there are sections they want to change, let us know and we will make those changes but at least we will have the basic ordinance and it can be put into use and amended as needed.

Mayor Bunker noted that, every time we go through the ordinance, we can find things that should be changed but felt that we had spent enough time on the ordinance that we need to get it adopted and make amendments as needed. Mayor Bunker stated that the Planning Commission has repeatedly asked if we had the new zoning ordinance in place; they are concerned that we need to be using the new ordinance rather than the existing ordinance. Mayor Bunker recommended that we adopt the ordinance and Council Members can each receive a copy to review. However, he reminded Council Members that we must receive all copies of previous drafts because we do not want copies of unadopted drafts being circulated or used. City Attorney Anderson noted that we can adopt the ordinance now and we can amend it, if necessary, at the next meeting. Council Member Steven Pratt suggested that we adopt the ordinance and put it on the agenda for Council Members to review and discuss suggested amendments at the next meeting.

Following discussion, Council Member Steven Pratt MOVED to adopt Ordinance No. 12-254, an ordinance amending Title 12, Planning and Zoning, of the Delta City Ordinances (1981 Edition) by replacing the title in its entirety. The motion was SECONDED by Council Member Robert Banks. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The vote was as follows:

Robert Banks	Yes
John Niles	Yes
Steven Pratt	Yes
Tom Stephenson	Yes
Betty Jo Western	Yes

The motion passed unanimously.

PUBLIC WORKS DIRECTOR ALAN RIDING: UPDATE ON PUBLIC WORKS PROJECTS

Public Works Director Alan Riding reported that public works employees have been seal coating east and west streets on the south side of Main Street. They have completed approximately fifty blocks. They have also been patching holes in asphalt.

Public Works Director Riding advised Council Members that he, Mayor Bunker, and Assistant Public Works Director Ken Clark had recently met with the Johnsons, owners of Sherwood Water Company, to make certain they are still on board with the terms of our agreement. Mrs. Johnson expressed concern regarding giving up an easement through her shoreline property and suggested an alternative location where Sherwood Home Owners Association has property that is used as a beach. Giving up an easement through private property would restrict structures being constructed on the property but if the easement was through the beach property, where no structures are planned, it would be more convenient. We will be working with the homeowners association to see if we can work out an easement on the beach property. Mrs. Johnson also wanted indemnity but was told we cannot indemnify actions taken by her business in the past. Mrs. Johnson wanted free water service to her lots but was told that the terms of our agreement for state and federal funding to provide water to Sherwood Shores requires that all water users pay for their water use. Therefore, we would be unable to provide free water for her. Mrs. Johnson understood the requirement and did not object. We are currently waiting for Sunrise Engineering to complete the environmental impact study. When the study is complete, we will proceed with the closing of the loan. We are not certain how much longer the study will take but hope to sign documents sometime during the first part of October. City Attorney Anderson stated that he will soon have an ordinance prepared allowing sale of water outside city limits. Mayor Bunker stated that he would like to get the pipeline in the ground this fall so we are not trying to install pipeline in farm ground when farmers are engaged in spring farming activities.

Council Member Banks expressed concerns regarding Delta City being responsible to pay the

\$600,000 bond for constructing water lines to serve the Sherwood Shores area. Council Member Niles noted that this project will provide approved drinking water, which is a necessity of life, for Sherwood Shores residents. Council Member Niles would have concerns if the funds were to be used for infrastructure such as streets or a park, which are not necessities, but having drinking water is a necessity rather than being a convenience or for pleasure. Residents will pay the cost of providing necessities of life for their children. Public Works Director Riding added that the Drinking Water Board has been concerned with Sherwood Shores having an approved drinking water source for a number of years and, in the event that Delta City decided to not go forward with this project, the State of Utah could condemn the water system at Sherwood Shores and require Delta City to provide water service. At this point, the Drinking Water Board is grateful that Delta City is willing to solve the problem without being forced to do so. City Attorney Anderson explained that the water system installation will create revenue to pay the bond, whereas a street or park does not create revenue. Council Member Banks stated that, if we have a revenue source to pay the bond, he would agree with going forward with the project.

Council Members discussed the number of users at Sherwood Shores and how service would be charged for part time users and for stand-by meters. They also discussed the fact that residents who do not hook up to the water system at the time we are ready to provide the service will be required to pay a hook up fee if they elect to do so at a later time. Mayor Bunker felt that the residents of Sherwood Shores may not be residents of Delta City but it is where they do business and attend school, etc. Mayor Bunker felt that, if we are able to do so, we should provide approved drinking water for the Sherwood Shores residents.

Council Member Stephenson thanked public works employees for spraying weeds around town. Council Member Niles advised that he had received requests that we provide another table umbrella at the splash park. We originally had an umbrella on both tables but one was damaged. Public Works Director Riding will obtain another table umbrella. Mayor Bunker said there has been discussion about putting up some kind of shade for next year.

Mayor Bunker advised Council Members he had received a letter from Dale Pierson, Executive Director of Rural Water Association of Utah, reporting that Alan Riding has completed training and certification in the field of Water and Waste Water Utility Management at the Water University Utility Management Certification program. Completion of this program shows that continues to excel as a member of his profession, a profession which is vital to Utah and our nation. Alan will be further honored at the Rural Water Association of Utah fall conference on August 29th in Layton, Utah. Mayor Bunker presented Alan with a plaque recognizing his accomplishment.

OTHER BUSINESS

Council Member Steven Pratt reported that James Dix, of Reptile Rescue Service, met with Planning & Zoning Commissioners on Thursday, August 9th. Mr. Dix had failed to make application to be on the agenda for the meeting but was allowed to speak informally with commissioners. Mr. Dix had

received a letter from City Attorney Todd Anderson advising that he was not in compliance with his conditional use permit and outlining the steps necessary to come into compliance. Mr. Dix had not taken any of the necessary steps but did have excuses as to why he had not made the effort to comply. Mr. Dix's response to questions was that he was busy saving snakes and doing training and felt that we should not be concerned about his non-compliance. Mr. Dix was allowed two weeks to provide a Comprehensive Emergency Plan and Animal Shelter Plan and was given a deadline to provide proof that all other compliance issues have been addressed by the October 11, 2012 Planning & Zoning meeting. Mr. Dix was allowed to continue having visitors, by appointment, but he is not to be open to the public nor to charge admission fees. We will be monitoring the situation to make certain he comes into compliance or his permit will be cancelled.

Council Member Betty Jo Western said that Mr. Dix had talked to her and told her that he had provided somewhat of an emergency plan and felt that Utah Department of Transportation had taken care of the emergency plan. Council Member Western stated that Mr. Dix has talked with the Sheriff's Department and Fire Department, both of which told him that they would control traffic and fight fire but the snakes were Mr. Dix's responsibility. Council Member Western asked if we are requesting that Mr. Dix provide letters from the Sheriff's Department and Fire Department to fulfil the requirement. Public Works Director Alan Riding advised Council Member Western that what we want is a plan to explain to us what should be done in the event of an emergency if he is out of town at the time. We need to know who to contact in the event we cannot get in touch with Mr. Dix. City Attorney Anderson advised Council Member Western that Mr. Dix has been provided with an outline of what information he needs to include in his emergency plan. City Attorney Anderson said he had received a call from the animal control officer who told him Mr. Dix had stated that, if he met with and trained the animal control officer, then Mr. Dix would be in compliance because the animal control officer would have been trained to act in the event of an emergency. It appears that Mr. Dix is attempting to circumvent writing a plan by talking to the fire chief, the county emergency manager and training the animal control officer. Mr. Dix has been advised that we need a written plan.

Public Works Director Alan Riding reported that a walk-on inspection had been conducted, which is also a requirement of the conditional use permit, and asked the caretaker who was there at the time where the emergency management plan was and she did not know what they were talking about. It was felt that if that person was in charge while Mr. Dix was absent from the premises, that person needs to be aware of and have access to the emergency plan, as well as Delta City, Millard County Sheriff Department, and Delta Fire Department. Our concern is an emergency happening while Mr. Dix is not present. Mr. Dix's attorney has admitted to City Attorney Anderson that, without Mr. Dix, the reptile rescue service "is a mess." That "mess" would fall on the shoulders of Delta City if Mr. Dix were absent when an emergency situation occurred. Council Member Stephenson reiterated that, when Mr. Dix came to Planning & Zoning for a conditional use permit, the planning commission made it very plain that Delta City did not want the "mess" and that is why the conditions were attached to the permit. City Attorney Anderson felt that the City has gone overboard attempting to help Mr. Dix and he continually makes excuses, resists and puts up road blocks. Council Member

Western asserted that Mr. Dix had portrayed to her that he did not have these requirements in the beginning and now we were making demands. Everyone was in agreement that if Mr. Dix complies and follows the rules, we would like to have him as a resource. However, it is difficult to work with Mr. Dix when we receive information that he is harboring a cobra snake and we find a cobra, as a result of a search warrant. Mayor Bunker stated that we are trying to work with Mr. Dix but he needs to take responsibility and fulfil his requirements.

Mayor Bunker reported that Jim Robson, of Curley's Lounge, asked to be on the agenda for the next City Council meeting. He has a parcel of vacant property, on the corner of 50 North and 200 West, where he wants to install lights and hold night time horseshoe tournaments. Mr. Robson will be coming in to discuss the proposal with Council Members at the next meeting. City Attorney Anderson expressed concerns regarding open containers and public intoxication while holding outdoor tournaments.

Mayor Bunker is working on preparing the request for proposal to receive bids for a construction manager and general contractor for the community center project. We have a draft prepared and he hopes to get it finalized and mailed out during the next month.

Mayor Bunker asked Council Member Western to begin looking for entertainment for the New Years Eve celebration. He asked that Council Member Western provide some suggestions for consideration at the next meeting.

Council Member Western expressed appreciation to the Public Works employees for assistance in putting up banners and tents for the Millard County Fair.

Council Member Pratt remarked that several neighbors thanked him for pot holes in streets being repaired.

Council Member Western asked if there is anything we can do to call attention to the stop sign in front of Delta Technical Center. There have been several incidents of people running the stop sign

and barely missing another vehicle. Mayor Bunker said he sees people running stop signs all over town. City Attorney Anderson noted that many residents exceed the speed limit on 350 East Street. He suggested the possibility of making the intersection at 350 East and 100 North a four-way stop or move the stop sign to the north-south side of the intersection rather than the east-west side. It was suggested that we ask the Sheriff Department to watch the intersection to see if they can catch and cite people who are running the stop sign.

Mayor Bunker and Council Members expressed sympathy for City Librarian Deb Greathouse and her family for the loss of their son and brother who lost his life in a scuba diving accident earlier this week. The young man had no life insurance so they are asking for cash donations, in lieu of flowers, to assist with funeral costs.

Mayor Bunker asked if there were any comments, questions or other items to be discussed. There being none, Council Member John Niles MOVED to adjourn the meeting. The motion was SECONDED by Council Member Betty Jo Western. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed with Council Members Robert Banks, John Niles, Steven Pratt, Tom Stephenson and Betty Jo Western voting in favor and no one voting against.



GAYLE BUNKER, Mayor



GREGORY JAY SCHAFFER, MMC, City Recorder

MINUTES APPROVED: RCCM 09-06-12